



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/611,334	11/13/90	NILSSEN	0

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EXAMINER
MIS, D

ART UNIT	PAPER NUMBER
252	12

DATE MAILED: 08/07/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on November 13, 1990 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-18 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-18 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit 252

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Spira et al and Galindo. Spira et al and Galindo are combined as described in the previous rejection by the Examiner and the Board Of Patent Appeals and Interferences. Powering any type of load conceivable from track means as taught in the above combination would have been obvious to one of ordinary skill in the art. Any voltage or frequency requirements of a particular load could have easily been provided for by one of ordinary skill in the art.

3. The rejection does not depend on the Nilssen references since the other reference teach what is claimed.

4. The earlier affidavits filed September 26, 1990 show that two particular artisans failed to think of building the invention

after looking at the references and thinking of what they were able. The references are plain and clear teachings of the invention. The "person of ordinary skill in the art" knows all details of every references in the related art and possesses a high level of skill.

5. The present affidavit filed November 13, 1990 disagrees with the arguments in the office action of October 18, 1990. However, one of ordinary skill in the art is not limited to usual uses. The reasons for making the combination have been previously given. A skilled person would not steer away from using power tracks for distributing high-frequency voltage if such person applied the teachings of the references as described in the office action. The benefits are clear and obvious. Track means are incorporated in place of wires, and high frequency distribution is incorporated in place of low frequency distribution, i.e. the references teach the benefits can be derived in general when the incorporations are made. So, given a set of wires, in any distribution system, one of ordinary skill in the art would be motivated to use track means. And likewise, given a low frequency distribution system (such as track means) one of ordinary skill in the art would be motivated to use high frequency distribution. The result is what is claimed in the present application. The above does not mean that there would be no motivation to use wires, or to use low frequency; it means

that there is motivation to use all teachings to derive the respective benefits that are provided by respective teachings. Track means provide, in addition to power distribution, other benefits that one of ordinary skill in the art understands and can use, i.e. mechanical and aesthetic benefits. The present application discloses that it was known to provide power to low voltage incandescent lamps via track means and Spira et al teach that such lamps may be supplied by their high frequency system. The person of ordinary skill in the art would have been able to provide for such lamps on track means, ^{Since track means} are an obvious conductor for high frequency supply voltage, and since low voltage incandescent lamps are known loads on track systems using low frequencies, and on wire systems using low or high frequencies, and since one of ordinary skill in the art is knowledgeable in power conversion techniques, it would have been obvious for the person to incorporate low voltage incandescent lamps on the track means supplying high frequency voltage.

6. This is a continuation of applicant's earlier application S.N. 07/484,278 02/26/90, now abandoned. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See M.P.E.P. § 706.07(b).

Serial No. 611334

-5-

Art Unit 252

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication should be directed to Exr. Mis at telephone number (703) 308-4907.

D. MIS:th
August 02, 1991



DAVID MIS
EXAMINER
GROUP ART UNIT 252